

17. ADMINISTRATION OF JUSTICE

Table 17-1. Federal Resources in Support of Administration of Justice

(Dollar amounts in millions)

| Function 750 | 1993 Actual | 2001 Estimate | Percent Change: 1993–2001 |
|--------------------------------------|----------------|------------------|---------------------------------|
| Spending: | | | |
| Discretionary budget authority | 14,613 | 29,982 | 105% |
| Mandatory outlays | 302 | 672 | 123% |

The Clinton-Gore Administration pursued successful initiatives to reduce crime and improve the Nation's legal system: the Community Oriented Policing Services Program; reform of the Immigration and Naturalization Service; strengthening firearms enforcement; reducing juvenile crime, especially gun-related violence; preventing terrorism; combating drug use; and, protecting all Americans by supporting increases for civil rights enforcement, the Legal Services Corporation, and Violence Against Women Act programs.

In 2001, the Federal Government will expend almost \$30 billion in discretionary budget authority on the administration of justice—including law enforcement, litigation, judicial and correctional activities—more than double the amount spent in 1993, and an 80-percent increase in constant dollars terms. Total Federal, State, and local resources devoted to the administration of justice have grown by 80 percent, from \$98 billion in 1993 to an estimated \$175 billion in 2001 (see Chart 17-1), a 55-percent increase in constant dollars terms. While States and localities bear most of the responsibility for fighting crime, the Federal Government plays a critical role, both in supporting State and local activities and investigating and prosecuting criminal acts that require a Federal response.

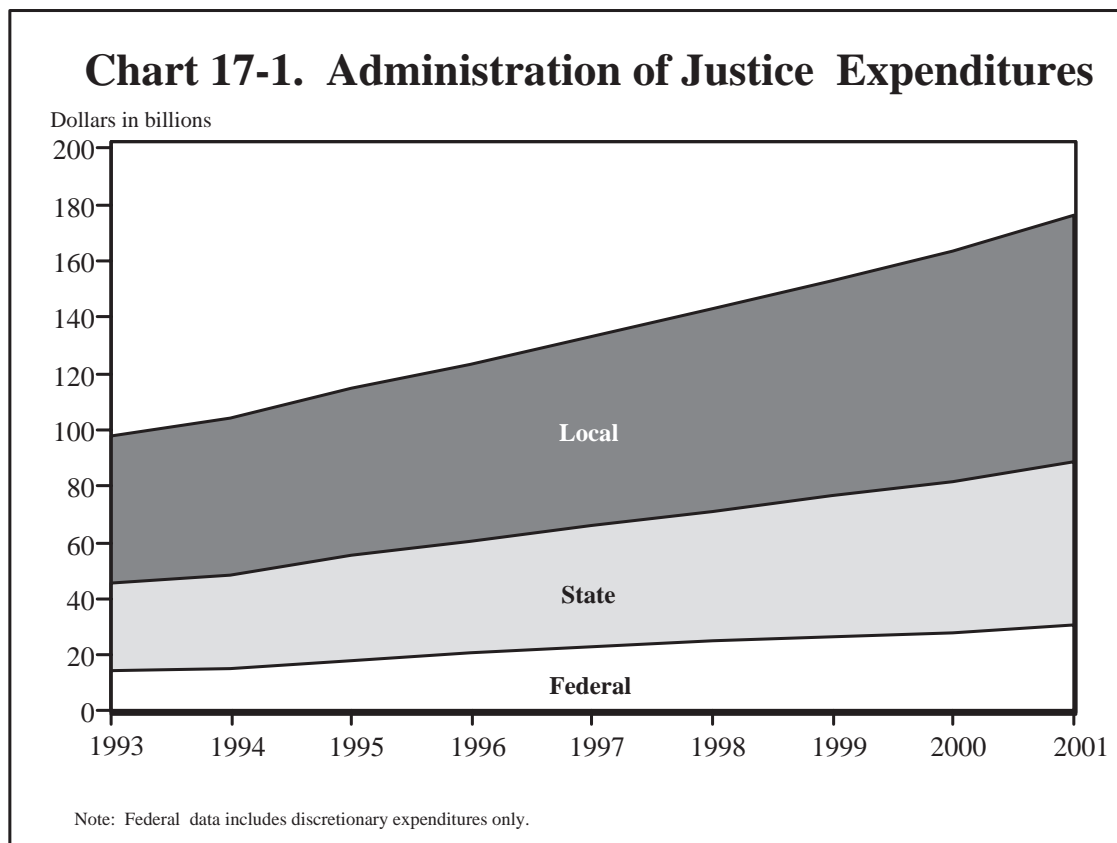
Although crime is affected by varying factors, the fact that the national crime rate has dropped at the same time that Federal

anti-crime spending has increased suggests a causal relationship. Representing the lowest annual serious crime count since 1985, the 1999 Crime Index total was estimated at approximately 11.6 million offenses. Down 19 percent from 1992, this represented the eighth consecutive annual decline in the Crime Index.

Funding for the administration of justice function includes: (1) law enforcement; (2) litigation and judicial activities; (3) correctional activities; and, (4) criminal justice assistance to State and local entities. Discretionary budget authority for law enforcement is still the largest portion of this funding (42 percent) in 2001. However, the most dramatic change since 1993 has been in criminal justice assistance, which has grown 458 percent, an average increase of 24 percent per year (see Chart 17-2).

Law Enforcement

Department of Justice (DOJ): The Department of Justice represents 70 percent of total Federal spending for law enforcement, enforcing diverse Federal laws dealing with national security, terrorism, illegal immigration, violent crime, drug smuggling, white collar crime, and many other criminal acts. In carrying out these activities, DOJ works closely with other Federal agencies, and with State and local law enforcement agencies, often through joint task forces.



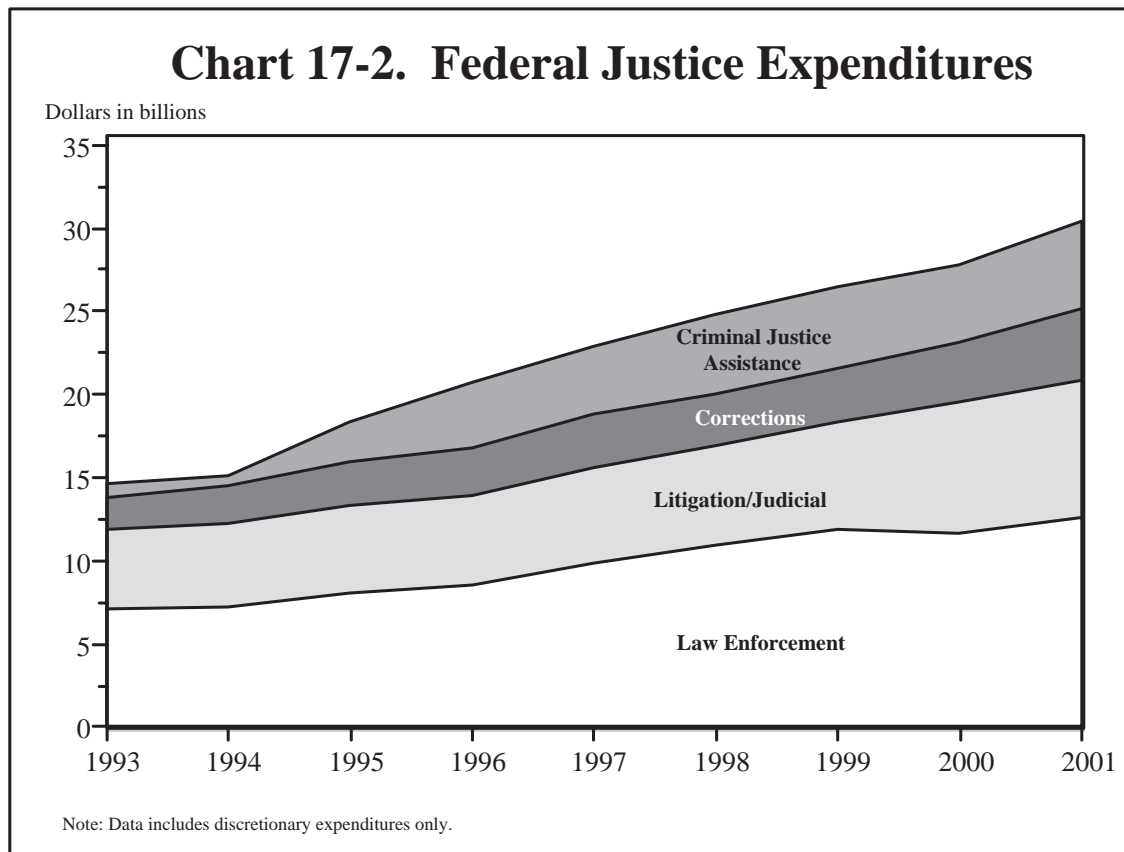
- *National Security and Terrorism:* Since 1993, DOJ, with strong support from the Administration and the Congress, has acted aggressively to prevent, mitigate, and investigate acts of terrorism, including the use of weapons of mass destruction and the emerging threat of cybercrime. The Department spent \$782 million in 2000 to combat terrorism, primarily in the FBI (\$467 million) and the Office of Justice Programs (\$152 million).

The FBI has primary responsibility for preventing domestic acts of terrorism. If an incident should occur, it is the lead investigative agency. The FBI also has developed the capacity to mitigate and investigate cyber attacks against the Federal Government, the Nation's critical infrastructure, and American businesses. The Criminal Division within DOJ provides prosecutive assistance for all terrorist incidents, including cyberterrorism, serving as

a focal point for such efforts at all levels of law enforcement.

The Nation must be prepared to deal with terrorist events involving the use of weapons of mass destruction, such as biological, chemical, or nuclear weapons. State and local public safety agencies would be responsible for managing the consequences of such incidents if they should occur. DOJ and other Federal agencies support the necessary training and equipping of the State and local agencies to ensure their readiness. The FBI houses the National Domestic Preparedness Office, which coordinates all Federal programs supporting State and local "first responders."

- *Immigration Enforcement and Services:* DOJ's Immigration and Naturalization Service (INS) protects the U.S. borders from illegal immigration while providing services to legal aliens. To keep pace with one of the busiest periods of immigration-



related activity in the Nation's history and to meet the expanded scope and complexity of the INS mission, the Administration and the Congress increased the agency's budget by more than 180 percent, from \$1.5 billion in 1993 to \$4.3 billion in 2000. Staffing levels grew at a similar pace, with INS adding 15,200 employees since 1993, for total agency staffing level of 32,000 in 2000.

From 1993 through 2000, the INS received nearly 6.9 million applications from immigrants who applied for citizenship—more than the total in the previous 40 years combined. By 1998 the backlog of naturalization applications had grown to more than 1.8 million and processing time was over 27 months. In response, the Administration provided additional resources, streamlined the process, ensured dedicated leadership and measured performance. By the end of 2000, the application backlog was below one million for the first time

in four years and INS had achieved its citizenship processing time goal of six to nine months while maintaining high levels of integrity.

INS achieved dramatic results in stemming the flow of illegal aliens into the U.S. by following an aggressive border management strategy that combined additional Border Patrol agents, technology and border barriers. From 1993 to 2000, INS increased the number of Border Patrol agents by 132 percent from 3,965 to over 9,200 agents. These agents improved the quality of life in border communities through targeted enforcement operations.

—Operation Gatekeeper reduced illegal entries along the San Diego border to their lowest level in 25 years and contributed to a 34-percent drop in overall crime rates in the San Diego area. Once the busiest illegal crossing area in the Nation, San Diego Chief of Police David

Bejarano stated that after Operation Gatekeeper San Diego "... is without question the quietest and safest the border has ever been in this area." Similar results were achieved through targeted INS enforcement operations in select locations in Texas, Arizona, and New Mexico.

- Every year since 1993, INS has set new records for the incarceration and removal of illegal aliens, restoring credibility to the Nation's immigration laws. Preliminary figures for 2000 show 181,572 removals, more than a quadrupling of the 1993 number. Much of this growth is attributable to the dramatic rise of criminal removals in cooperation with other law enforcement agencies, which reached over 69,000 in 1999—more than 20 times the number in 1993.

Department of the Treasury: Within the Department of the Treasury, the U.S. Customs Service, Bureau of Alcohol, Tobacco and Firearms (ATF), U.S. Secret Service, and other bureaus enforce laws related to drug and contraband at our borders; commercial fraud; firearms trafficking; arson and explosives crimes; and financial crimes, including money laundering, counterfeiting, and credit card fraud. In addition, the U.S. Customs Service regulates the importation and exportation of goods; ATF regulates and enforces criminal laws pertaining to alcohol, tobacco, firearms, and explosives; and the Secret Service protects the President, Vice President, and visiting foreign dignitaries. The Federal Law Enforcement Training Center provides basic and advanced training to Treasury and other law enforcement personnel. The Financial Crimes Enforcement Network supports law enforcement agencies in the detection, investigation and prosecution of domestic and international money laundering. In addition, DOJ and Treasury have annually submitted to the Congress two strategies for combating money laundering as required by the Money Laundering and Financial Crimes Strategy Act of 1998.

During the last eight years, the Treasury Department's law enforcement bureaus have:

- successfully met the challenge of dramatically increased import levels due to the

implementation of the North American Free Trade Agreement (10.6 million formal and informal entries in 1993 as compared to 21.4 million in 1999);

- achieved a trade compliance level of 83 percent for all imported goods, a revenue collection compliance rate of 98.8 percent, and began development and implementation of the Automated Commercial Environment (ACE), an automated import system designed to effectively process an ever increasing volume of trade, in accordance with regulations of the 1993 Customs Modernization Act; and,
- maintained law enforcement capabilities in a rapidly changing technological environment, such as the use of encryption by criminals and the introduction of digital communications equipment and Internet communications impervious to traditional court-approved wiretaps.

Gun Violence Prevention Efforts: To address the continuing problem of gun violence, the Administration has sought to improve enforcement of firearms laws and aggressively implement provisions of the Brady Act. Keeping guns out of the hands of criminals has made America's streets safer. Since 1993, the number of crimes committed with firearms has declined by 35 percent.

- DOJ, working with the States, is now conducting computerized background checks on all firearm purchases. As of 1999, the Instacheck system has been used to block more than 611,000 illegal gun sales since the program was implemented;
- The ATF has invested in the development and dissemination of investigative information, including tripling the number of crime gun traces from 79,191 in 1994 to 225,000 in 2000, establishing a ballistics information system, efficiently providing follow-up analysis of Brady background check information, and establishing regular reporting of national and local crime gun information to assist law enforcement agencies and the firearms industry;
- The Treasury Department also provides firearms expertise and technical assistance to State and local law enforcement, the U.S. Attorneys Office and local prosecutors

to craft solutions responsive to the specific needs of each community such as the Boston Gun Project/Boston Ceasefire and Project Exile in Richmond.

Federal Drug Control Activities: The Office of National Drug Control Policy established a comprehensive, 10-year National Drug Control Strategy that incorporated aggressive societal goals for anti-drug programs. Achieving these goals depends not only on the Federal Government, but on State, local, and foreign governments, the private sector, religious institutions and not-for-profit agencies, and on the behavior of individuals. Although some progress has been realized, particularly among high school age youth, drug use in the United States remains unacceptably high and imposes substantial costs on society. Recent accomplishments in this area include:

Overall drug use in the United States is substantially below the level found 20 years ago. The number of current users of illicit drugs has dropped from 14.1 percent to 6.7 percent of the population over the age of 12. Most of this change occurred before 1988, and since that year the rate of overall drug use remained statistically unchanged.

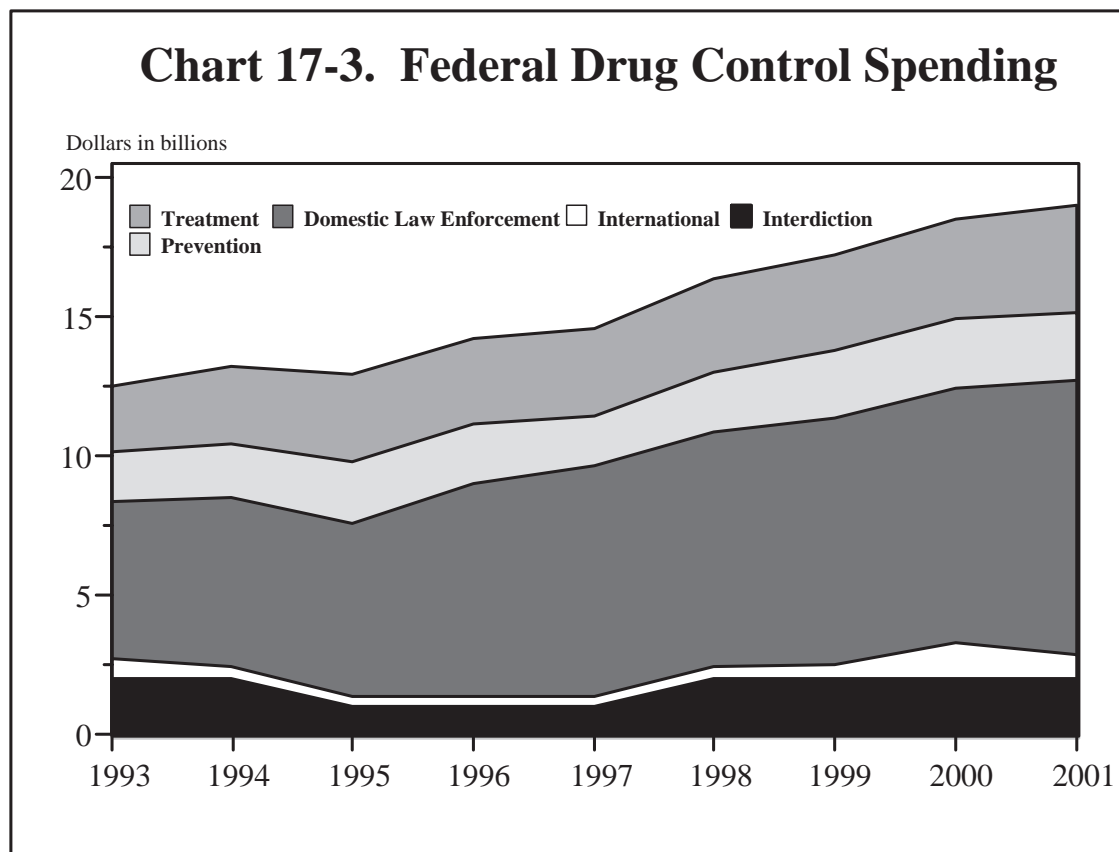
- Drug use among youth has declined by more than one-third (37 percent) since 1979. More recently, reported levels of drug use increased during the 1990s, starting in 1992, and continued to increase until 1997. The rate of current use of any illicit drug among 12–17 year-olds declined 21 percent between 1997 and 1999, the first statistically significant drop in four years.
- A decline in the perceived risk of harm from the regular use of marijuana among students in high school and junior high school, which began in the early 90s, has stopped, and in some cases perceptions of risk may be increasing. Among 8th grade students surveyed in 2000, about 75 percent believe there is a great risk of physical or other harm from regular use of marijuana, an increase of 4 percent since 1996. Among 10th graders, about 65 percent perceive such a risk, essentially the same level as the past four years. Among 12th grade students, 58 percent reported

believing regular marijuana use presents a great risk, compared to 60 percent in 1996.

- An ambitious, comprehensive communications strategy that uses a variety of media and messages to educate and encourage youth to reject illicit drugs has been implemented. This Youth Anti-Drug Media Campaign is a research-based program developed by experts in behavior change, drug prevention, teen marketing, advertising and communications, and representatives from professional, civic, and community organizations. A recent survey of teenagers and their parents found that 90 percent of both groups recalled seeing at least one Campaign-funded ad in the prior month.

In 2001, \$19.2 billion was appropriated for Federal drug control programs administered by approximately 50 Federal agencies, representing about 1 percent of the total Federal budget and about 3 percent of all discretionary funds. The amount appropriated for Federal drug control programs has increased by \$6.5 billion, or 51 percent, since 1992. Chart 17–3 depicts annual Federal funding for the five major types of drug control activities. The total for 2000 includes the \$1.3 billion Plan Colombia program discussed in Chapter 3, “International Affairs.”

Civil Rights Laws: Federal responsibility for enforcing civil rights laws that provide protections from discrimination on the basis of race, color, religion, gender, national origin, disability, age, and marital status is accomplished by several principal agencies, including the Civil Rights Division of the Department of Justice, the 94 U.S. Attorneys offices, the Equal Employment Opportunity Commission (EEOC), and the Department of Housing and Urban Development (HUD). The Civil Rights Division has primary litigation authority for the enforcement of the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act, the Equal Credit Opportunity Act, the Freedom of Access to Clinic Entrances Act, and a number of criminal and civil statutes, including laws prohibiting police misconduct. HUD enforces laws that prohibit discrimination in the sale or rental, provision of brokerage services, or financing of housing.



The EEOC enforces laws that prohibit employment discrimination.

- Over the past eight years, approximately 400 defendants were prosecuted and convicted on Federal hate crime charges for interfering with federally protected rights of African American, Latino, Native American, and Jewish victims. In 1996, following a rash of fires at churches in the South, the President and Attorney General created the National Church Arson Task Force. Co-chaired by the Assistant Attorney General for Civil Rights, the inter-agency task force opened nearly 1,000 investigations into arson, bombings at our Nation's houses of worship and prosecuted more than 300 defendants.
- To reduce its backlog, in the past decade the EEOC has implemented changes to speed processing, notably through the prioritization of charges and greater use of mediation services. By the end of 1999,

the EEOC had reduced its private-sector backlog to just over 40,000 complaints, a 15-year low.

- During this Administration, HUD's Office of Fair Housing and Equal Opportunities doubled the number of enforcement actions brought against perpetrators of housing discrimination. HUD is now achieving a rate of 60 to 70 enforcement actions a month, compared with 25 to 30 enforcement actions during the Administration's first term.
- The Administration fought vigorously, but unsuccessfully, to expand the Federal Government's ability to combat hate crimes by removing jurisdictional obstacles and by giving Federal prosecutors the ability to prosecute hate crimes based on sexual orientation, gender, or disability, along with those based on race, color, religion, and national origin.

Table 17-2. Civil Rights Enforcement Funding

(Budget authority, in millions of dollars)

| | Actual | | 2001 Enacted |
|---|------------|------------|-----------------|
| | 1999 | 2000 | |
| Equal Employment Opportunity Commission | 279 | 281 | 304 |
| Justice: Civil Rights Division | 69 | 82 | 92 |
| Education: Office for Civil Rights | 66 | 71 | 76 |
| Labor: Federal Contract Compliance | 65 | 73 | 76 |
| Housing and Urban Development: Fair Housing Activities | | | |
| Grants | 40 | 44 | 46 |
| Health and Human Services: Office for Civil Rights | 21 | 23 | 28 |
| Agriculture: Civil Rights Programs | 5 | 18 | 20 |
| Transportation: Office of Civil Rights | 2 | 7 | 8 |
| Labor: Civil Rights Center | 5 | 6 | 6 |
| Environmental Protection Agency: Office of Civil Rights | 3 | 5 | 5 |
| Total | 555 | 610 | 661 |

Litigation and Judicial Activities

Department of Justice: United States Attorneys offices are the chief prosecutive arm of the Federal Government within their judicial district and are responsible for the majority of criminal and civil litigation for the United States. Each U.S. Attorney's office is responsible for investigating and prosecuting alleged violations of Federal law brought to their attention by Federal, State, and local law enforcement agencies.

Their mission of bringing to trial and convicting those who violate Federal law is supported by the six litigating divisions of DOJ. These six divisions—the Civil, Criminal, Civil Rights, Environment and Natural Resources, Tax, and Antitrust Divisions—specialize in specific areas of law and have activities that range from providing prosecutive assistance to U.S. Attorneys offices, to bringing their own substantial cases to trial.

Legal Services Corporation: The Federal Government, through the Legal Services Corporation (LSC), promotes equal access to the Nation's legal system by providing funding for civil legal assistance to low income clients who seek redress of grievances. Each year LSC helps to provide high quality legal assistance to approximately one million clients in such

areas as domestic violence, child custody, visitation rights, evictions, access to health care, and unemployment and disability claims.

Judicial Branch: The Judicial Branch is comprised of over 2,100 trial judges, magistrates, and bankruptcy judges, in addition to the nine justices of the Supreme Court. The system is made up of a three-tiered hierarchy with the Supreme Court at the top, the 13 courts of appeals in the middle, and the 94 district courts, the Court of International Trade, and the Court of Federal Claims at the bottom. The Federal judicial system is empowered by Article III of the Constitution to ensure that certain rights and liberties are extended to all persons. The system has witnessed historic growth in recent years that is chiefly attributable to the expanding jurisdiction of Federal courts in the form of over 200 new Federal laws, and the increased criminal filings in district courts along the Southwestern United States border where five districts now account for 27 percent of all criminal filings nationwide.

Correctional Activities

Between 1993 and 2001, the Federal Government will have spent almost \$4 billion on constructing new prisons. During that time, the Federal prison population has grown by over 64 percent, from 88,565 in 1993

to 145,969 in 2000. The past three years show record growth in the Federal prison population. Between 1998 and 2000, over 33,000 inmates were added to the Federal prison system. During 1999, the Federal prison population, rose by 13.4 percent, an increase of 11,296 prisoners, the largest 12-month gain ever reported. To respond to the rapid inmate growth, Federal prison facilities grew from 72 in 1993 to 97 in 2000, with an additional 21 institutions partially funded and in some phase of design or construction. With the Federal inmate population expected to double over the next seven years, the Bureau of Prisons must develop, and continually refine, its projections of inmate growth, as well as expertly manage its portfolio of properties available for expansion, renovation, and development to house this population. In 2001, the Administration requested, but the Congress did not provide, advance appropriations of \$1.3 billion for Federal prison construction. Current inmate population projections, however, clearly illustrate the need for a long term capital plan for prison facilities construction.

Overcrowding has surged in recent years and is expected to remain at 32 percent system-wide by the end of 2000. Federal prison population growth is due to tougher sentencing guidelines, the abolition of parole, minimum mandatory sentences, and significant increases in investments in Federal law enforcement investigations (e.g., FBI) and prosecutions (e.g., U.S. Attorneys). Drug offenders now account for 57 percent of inmates in the Federal system. The Federal Bureau of Prisons has enrolled approximately 34 percent of all inmates in one or more education programs and 100 percent of eligible inmates in residential drug treatment programs.

The total U.S. inmate population, of which the Federal prison system represents less than one tenth, reached a record 2 million in December 2000. State inmate populations have grown, albeit at a slower pace, due in part, to sentencing requirements tied to Federal prison grant funds.

The National Capital and Self Government Revitalization Act of 1997 transferred the State function of operating prisons from the District of Columbia Department of Correc-

tions to the Bureau of Prisons, which will be responsible for housing all D.C. adult sentenced felons. Since passage of the Act, the Bureau of Prisons has accepted 2,903 D.C. inmates of the approximately 8,800 D.C. adult felony inmates. All remaining D.C. adult felony inmates will be transferred to the Federal prison system when the Lorton facility is closed or by December 31, 2001, whichever is earlier.

Criminal Justice Assistance for State and Local Governments

Providing Community Policing: Since 1992, the Federal Government has strengthened its role in providing States and local communities with resources in their fight against crime. State and local law enforcement assistance funding from the Department of Justice has grown five-fold over this period, reaching almost \$5.2 billion in 2001, including \$538 million to assist crime victims. The most significant of these new Federal partnerships with State and local government has been the Community Oriented Policing Services (COPS) program, which was charged by President Clinton with carrying out his commitment to put an additional 100,000 additional community policing officers on the street. In 1999 the COPS program funded its 100,000th officer, and the program is now on track towards the new goal of funding up to 150,000 officers by 2005.

- As of October 2000, COPS has funded 109,000 officers, of which 70,000 are now on the street, working to make America's neighborhoods safer places to live and work. COPS grants have gone to over 12,000 law enforcement agencies, 62 percent of all law enforcement agencies in the United States.
- COPS has provided training to over 128,000 law enforcement personnel and community members, encouraging officers and citizens to work more closely together to fight and prevent crime. As of June 1999, almost 90 percent of local police departments (serving a population of 25,000 or more) had full-time personnel engaged in community policing. State and local law enforcement agencies had over 112,600 sworn personnel engaged in community policing, up from 21,239 in 1997.

Stopping Violence Against Women: The Administration has worked with the Congress to increase funding for programs combating violence against women. First authorized as part of the 1994 Crime Act, the Violence Against Women Act programs have grown from \$26 million in 1995 to \$289 million in 2001, and have helped encourage States, local governments and tribal units to treat domestic violence, sexual assault, and stalking as serious criminal offenses. The number of organizations providing legal assistance to domestic violence victims has grown from 54 in 1998 to 100 in 2000, an 85-percent increase.

Strengthening Indian Country Law Enforcement: Native Americans are almost twice as likely to be the victim of a violent crime as other Americans. In 1997, the President directed the Justice and Interior Departments to jointly address this disparity and the rising crime rates on and near Indian reservations. The 1999 Budget launched a four-year Indian Country Law Enforcement Initiative, which reached an enacted level of \$370 million by 2001. The increases have been used to hire, train, and retain officers and dispatchers, provide additional equipment, replace vehicles, and improve court facilities.